FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3482 OF 2005
IN
CRIMINAL APPLICATION NO.3481 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders.**

Mr.D.S. Mahisapurkar,A.P.P. for the applicant.

CORAM :R.M.S.KHANDEPARKAR &
R.S. MOHITE, JJ.
DATED :DECEMBER 15, 2005.

P.C.

1. Heard learned A.P.P. Perused the application for condonation of delay of 107 days in preferring the application for leave to appeal. Also perused the judgment sought to be impugned.

2. Undisputedly, the judgment was delivered by the learned Asstt. Sessions Judge on 19.11.2004. The application for certified copy was filed on 3.12.2004. It was ready and delivered on 22.12.2004. The last date for filing the appeal in the

circumstances was 7.2.2005. The averments in the application for condonation of delay discloses that the decision for filing the appeal itself was taken on 24.2.2005 i.e. much after the period of limitation for filing the appeal had expired. There is no explanation for such delay. However, it is pleaded that delay was caused due to failure on the part of the Government authorities in scrutinizing the papers and in taking appropriate decision in that regard within the aforesaid period. Even after such decision was taken, it is sought to be contended by the applicant that there was shortage of stenographers in the office of the A.G.P. and therefore, the appeal could not be prepared and filed in time. This can hardly be a justification for condonation of delay.

3. Apart from the fact that, there is no satisfactory explanation for delay in filing the appeal, even on merits, there is no substance. The impugned

judgment apparently discloses the total failure on the part of the prosecution to prove the allegations against the accused persons. A clear finding in that regard has been recorded by the Sessions Court which apparently appears to be clearly borne out from the record. In the circumstances, there is no case made out for condonation of delay as well as for entertaining the appeal. Hence, the application is dismissed. Consequently the appeal also stands dismissed.

(R.M.S.KHANDEPARKAR, J.)

(R. S. MOHITE, J.)